

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

<b>KYLE BENGSTON,</b>	)	
	)	
<b>PLAINTIFF,</b>	)	
	)	
<b>v.</b>	)	<b>3:06-cv-00569-MEF</b>
	)	
	)	
<b>DAVID BAZEMORE, O.D. et. al</b>	)	
	)	
<b>DEFENDANTS.</b>	)	

**REPORT OF PARTIES' PLANNING MEETING**

1. Appearances:

Pursuant to Fed. R. Civ. P. 26 (f), a meeting was held on September 20, 2006,  
and was attended by:

a. Appearing on behalf of Plaintiff:

David W. Adams  
The Newman Law Firm  
Park Plaza, Suite 150  
Alpharetta, Georgia 30004  
678-205-8000

b. Appearing on behalf of Defendants David Bazemore and Wal-Mart  
Stores, Inc:

Phillip E. Adams  
Matthew W. White  
Blake Oliver  
ADAMS, UMBACH, DAVIDSON & WHITE, LLP  
Post Office Box 2069  
Opelika, Alabama 36803-2069  
(334)745-6466

2. Pre-Trial Disclosures.

The parties will exchange by October 27th, 2006, the information required by Fed. R. Civ. P. 26(a)(1).

3. Discovery Plan.

The Parties jointly propose to the Court the following discovery plan:

- a. Discovery will be needed on the following subjects: All matters, not privileged, addressed in the parties' pleadings, including the Plaintiff's allegations and the Defendants' defenses, causation and damages.
- c. All discovery commenced in time to be completed by August 30, 2007.
- d. Maximum of 25 interrogatories by each party to another party. Responses due 30 days after service.
- e. Maximum of 15 request for admission by each party to any other party. Responses due 30 days after service.
- f. Maximum of 40 requests for production of documents. Responses due 30 days after service.
- g. Each deposition, other than of experts, limited to maximum of six (6) hours unless extended by agreement of parties.
- h. Reports from retained experts under Rule 26(a)(2) due:
  - (i) From Plaintiff by February 28, 2007.
  - (ii) From Defendants by April 30, 2007.
- i. Supplementations under Rule 26 are due 30 days before the close of discovery or as soon as reasonably practical after the information or documents are discovered.

4 Other Items:

- a. The parties do not request a conference with the Court before entry of the scheduling order.
- b. The parties request a Pre-Trial Conference during the month of November, 2007.
- c. The Plaintiff should be allowed until March 16, 2007, to join additional parties and until March 16, 2007, to amend the Pleadings.
- d. The Defendants should be allowed until April 13, 2007, to join additional parties and until April 13, 2007, to amend Pleadings.
- e. All potentially dispositive Motions should be filed no later than August 30, 2007.
- f. Settlement cannot be evaluated prior to August 30, 2007.
- g. Final lists of witnesses and exhibits under Rule 26(a)(3) should be served and filed 21 days prior to Trial.
- h. Parties should have 7 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).
- i. This case should be ready for Trial 30 days after Pre-Trial Conference and at this time is expected to take approximately 3 days.

Submitted this 22nd day of September, 2006.

ATTORNEY FOR PLAINTIFF  
KYLE BENGSTON

/s/ David W. Adams

David W. Adams  
Alabama Bar No.: ADA049

OF COUNSEL:  
THE NEWMAN LAW FIRM  
Park Plaza, Suite 150  
Alpharetta, Georgia 30004  
678-205-8000

ATTORNEYS FOR DEFENDANTS  
DAVID BAZEMORE, O.D. AND WAL-MART  
STORES, INC.

/s/ Phillip E. Adams, Jr.

PHILLIP E. ADAMS, JR. (ASB-9946-D56P)  
MATTHEW W. WHITE (ASB-6809-W83M)  
BLAKE L. OLIVER (ASB-9723-A38O)

OF COUNSEL:  
ADAMS, UMBACH,  
DAVIDSON & WHITE, LLP  
Post Office Box 2069  
Opelika, Alabama 36803-2069  
(334)745-6466

